IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 33967 of 2006(R)

PETITIONER:

T.BHASKARAN NAIR, AGED 58 YEARS,
S/O.THANUPILLAI, RESIDING AT MULLASSERI
AKKARATHUVILAKAM, NEDUMANGADU, KARAKULAM P.O.,
THIRUVANATHAPURAM. (SURVEY AND LAND RECORDS,
IIND GRADE SURVEYOR, RETIRED).

BY ADV. SRI.T.RAJASEKHARAN NAIR
SRI.RAJESH P.NAIR

RESPONDENTS:

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1. THE STATE OF KERALA, REP.BY THE
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR, SURVEY AND LAND RECORDS,
THIRUVANANTHAPURAM.

GOVT.PLEADER SRI.O.P.NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1- THE TRUE PHOTOCOPY OF THE GOVERNMENT ORDER DATED 13-1-2000.

EXT.P2- THE TRUE PHOTOCOPY OF THE COMMUNICATION DATED 29-1-2000 ISSUED BY THE FIRST RESPONDENT.

EXT.P3- THE TRUE PHOTOCOPY OF THE JUDGMENT IN WRIT APPEAL NO.439/2004 DATED 26-5-2005 PASSED BY THIS HONOURABLE COURT.

EXT.P4- THE TRUE PHOTOCOPY OF THE JUDGMENT IN WPC 24480/2005 DATED 23-12-2005 PASSED BY THIS HONOURABLE COURT.

EXT.P5- THE TRUE PHOTOCOPY OF THE LETTER DATED 23-11-2005 ISSUED BY THE PRINCIPAL SECRETARY (FINANCE) TO THE SECOND RESPONDENT.

EXT.P6- THE TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE SECOND RESPONDENT TO THE ACCOUNTANT GENERAL (A&E) DATED 19-6-2006.

EXT.P7- THE TRUE PHOTOCOPY OF THE JUDGMENT IN CONT.CASE 672/2006 DATED 17TH JULY, 2006 PASSED BY THIS HONOURABLE COURT.

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.33967 of 2006

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Dated this the 4th day of April, 2007.

JUDGMENT

Petitioner was issued Ext.P4 judgment by this Court resolving the disputes between him and the Government, directing fixation of pay as Overseer Gr-II in the Survey and Land Records Department in the pay scale of Rs.100-210 in terms of the judgment referred to in Ext.P4. That direction was issued on 23-12-2005. This means, it supersedes whatever is contained in Ext.P5 dated 23-11-2005, as regards the petitioner is concerned. That apart, Ext.P5 does not specifically state that it relates to the petitioner. In spite of all that, Ext.P2 is a communication from the Director of Survey to the Accountant General, A & E, forwarding the revised sanction and service book of the petitioner following Ext.P4 judgment. It is specifically stated in Ext.P6 that the pay of the pensioner from 30-5-1970 till 30-4-2002 is revised by adopting the pay scale Rs.100-210 instead of Rs.90-190. Therefore, the apprehension of the petitioner that the adoption of the

revised pay scale is only for the pensionary benefits is misplaced. Ext.P6 does not contain any such inhibition. As a result, the petitioner is entitled to the entire amounts due from 30-5-1970 till 30-4-2002 in the scale Rs.100-210 instead of Rs.90-190 and he will be entitled to revised pension and other terminal benefits on the basis of pay revisions and accrued promotions, which found recognition in Ext.P6.

2. In the result, the entire amounts due to the petitioner by treating that he is entitled to emoluments in the revised scale from 30-5-1970 till 30-4-2002 and all attendant benefits accruing on the basis of Ext.P4 judgment shall be released to the petitioner, in accordance with law, within a period of three months from the date of receipt of a copy of this judgment.

Writ petition is disposed of in the above terms.

Thottathil B.Radhakrishnan,
sl. Judge.